THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17182 of 2007

13.8.2007

Between:

Balayogiswara Swamy Ashram, Nellore, represented by its President, M.Chinna Venkata Subba Raju

…Petitioner

And

The Government of Andhra Pradesh, represented by Principal Secretary, Revenue Department, Secretariat, Hyderabad

And others

…Respondents

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ORDER:

Balayogiswara Swamy Ashram, Nellore, is the owner of land admeasuring Acs.5.00 in survey No.46/2 (old survey Nos.60) situated at Vedayapalem village in Nellore District. The land was alienated by the Government for market value. It was handed over to them on 10.2.1978 on payment of market value and that they are in possession of the land. When suits for declaration being O.S.Nos.134, 164, 172 and 180 of 1978 on the file of the Court of the Principal Senior Civil Judge, Nellore, filed by the third parties for declaration of title. In the said suits, the Government – first defendant therein – admitted that the land is allotted to the petitioner. It is alleged that on 29.7.2007, fourth respondent – the Tahsildar, Nellore Mandal; tried to put up notice board on the land stating that it belongs to the Government. It is also alleged that the Government tried to dispossess the petitioner and therefore, this proceedings for Mandamus are initiated.

Learned Senior Counsel has taken this Court through the orders of the Civil Court as well as this Court in the earlier cases filed by the petitioner or against the petitioner and submits that the land is absolute property of the petitioner and without due process, the Government claimed the property by raising notice board. At the stage of admission itself, learned Assistant Government Pleader for Revenue (General-A), after getting instructions from the Tahsildar, submits that the allegation that the Tahsildar tried to erect board on the land is not correct and that the writ petition is filed on mere apprehension. In view of the submission made by the learned Assistant Government Pleader, this Court is not inclined to entertain the writ petition. This Court, however,

observes that the petitioner cannot be dispossessed without due process of law.

The writ petition, with the above observation, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

August 13, 2007
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